

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REV. AUGUSTUS SIMMONS ENOXH,)	
)	
Plaintiff,)	Civil Action No. 2:22-819
)	
vs.)	United States District Judge
)	Cathy Bissoon
M. HICE, <i>et al.</i> ,)	
)	
Defendants.)	Chief United States Magistrate
)	Judge Richard A. Lanzillo

MEMORANDUM ORDER

This case has been referred to United States Chief Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On August 14, 2023, Judge Lanzillo issued a Report (“R&R,” Doc. 44) recommending that the Court grant the Motion to Dismiss filed by Defendant Alexandra Quarture (“Quarture”) (Doc. 29) without prejudice, and grant in part and deny in part the Motion to Dismiss filed by the Pennsylvania Department of Corrections Defendants (“DOC Defendants”) (Doc. 38).¹

Objections to the R&R were due no later than August 31, 2023 (Doc. 44), but no objections were filed. After a *de novo* review of the Petition, together with the R&R, it is hereby ORDERED that Judge Lanzillo’s Report and Recommendation (Doc. 44) is ADOPTED as the opinion of the district court.

¹ As set forth more fully in the R&R, the DOC Defendants consist of twenty-one of the twenty-five named individual defendants in this case, all of whom are employees of the Pennsylvania Department of Corrections. The remaining four named defendants, including Defendant Quarture, are non-DOC employees who allegedly provided medical services at SCI-Greene, where Defendant was incarcerated. *See* R&R at 1 & n.1.

IT IS FURTHER ORDERED that Defendant Quarture's Motion to Dismiss (Doc. 29) is **GRANTED** and that Plaintiff's deliberate indifference claim against Defendant Quarture is dismissed without prejudice and with leave to file an amended complaint as to that claim. If Plaintiff wishes to amend his Complaint with respect to his deliberate indifference claim against Defendant Quarture, he must do so on or before October 4, 2023. Should Plaintiff fail to file an amended pleading by that date, his deliberate indifference claim against Defendant Quarture will be dismissed with prejudice. The DOC Defendants' Motion to Dismiss (Doc. 38) is **GRANTED** as to Plaintiff's claims against the DOC Defendants in their official capacities and **DENIED** in all other respects. Plaintiff's claims against the DOC Defendants in their official capacities are dismissed with prejudice.

IT IS SO ORDERED.

September 13, 2023

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via U.S. Mail):

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